

Amendment Under 37 C.F.R. §1.111
Application No. 10/523,816
Attorney Docket No. 042635

REMARKS

Claims 1-11 are pending. Applicants have amended the claims for clarity.

I. The Information Disclosure Statement Filed July 21, 2006

The Examiner did not indicate receipt or consideration of the Information Disclosure Statement (IDS) filed July 21, 2006. The USPTO "PAIR" system indicates that the IDS was received by the USPTO.

The Examiner is requested to consider the IDS filed July 21, 2006 and to complete the record by initialing and returning a copy of the PTO Form SB/08.

II. The Rejection Based on JP '118

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '118.

Applicants respectfully traversing the rejection based on JP '118 on the basis that JP '118 is not available as prior art against the present application.

The publication date for JP '118 is September 25, 2003. The present application is based on PCT/JP2003/010061, which was filed August 7, 2003. Thus, the effective filing date for the present application is August 7, 2003, which is earlier than the date that JP '118 is available as a reference.

For the above reasons, and it is requested that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

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III. The Rejection under 35 U.S.C. 103(a) Based on Takahashi et al in view of JP '118

Claims 1-11 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Takahashi et al (U.S. Patent 6,866,934) in view of JP '118.

Again, JP '118 is not available as prior art against the present application.

Additionally, as to the disclosures of Takahashi et al USP '934 alone, Takahashi et al USP '934 is available as prior art based on its filing date of March 13, 2003. Applicants' foreign priority document JP2003-233635 has a foreign filing date of August 9, 2002. Enclosed is a sworn translation of Applicants' Japanese priority document. Applicants therefore remove Takahashi et al USP '934 as a reference by completing their claim to priority with a sworn translation of their Japanese priority application which supports the pending claims.

In view of the above, Applicants submit that Takahashi et al USP '934 is not available as prior art under 35 USC 102, and request that the rejection under 35 U.S.C. §103 be withdrawn.

IV. The Double Patenting Rejection

Claims 1-11 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-17 of U.S. Patent No. 6,866,934 in view of JP '118.

Again, JP '118 is not available as art and thus not combinable with the claimed subject matter of Takahashi et al USP '934 in the instant double patenting rejection.

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Additionally, as to the claims of Takahashi et al USP '934 alone, to expedite allowance of the present Application, Applicants are submitting herewith a terminal disclaimer to obviate the obviousness-type double patenting rejection over claims 1-17 of U.S. Patent No. 6,866,934.

For the above reasons, it is requested that the obviousness-type double patenting rejection over U.S. Patent No. 6,866,934 be reconsidered and withdrawn.

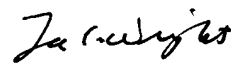
V. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §103 and the obviousness-type double patenting rejection be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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